

SUMMARY OF PERMIT HOLDER COMMENTS & SUGGESTIONS

for the Operation & Maintenance Plan and the
Gallatin National Forest Supplement to the Forest Service Handbook,
For the Administration of Recreation Residence Special Use Permits
Permit holder comment period: July 1 - August 8, 2008

Note: Page number references are solely for the FSH Supplement. O&M Plans shall be consistent with the FSH.

ISSUE SUBMITTED BY HOLDERS (not in any particular order)	SUMMARY OF HOLDER'S COMMENT OR SUGGESTION	FOREST SERVICE RESPONSE
1. Fuel reduction	<p>The "Firewise" approach may not be appropriate for all recreation residences on the national forest.</p> <p>"These are not our personal forests! We are lucky to be permitted to use them with our residences. We should be stewards of the forests and, as the USFS is doing throughout the plan, we are given strict directives on what to do with an implied threat to our permits if we do not comply. This apparently does not apply to fire danger. Fuel reduction should be more than "encouraged", it should be required, since it is such an important component of being stewards of the forests."</p>	<p>Fuel reduction is very important, not only to protect structures owned by permit holders and their neighbors on both private and national forest land, but to protect the surrounding forest as well. Due to the variability of each site and situation, the FS will continue to actively and strongly encourage and advocate for holders to implement fuel reduction, but not apply and require one standard fuel reduction treatment to all lots as a term of permit compliance. The "Firewise" approach is one tool available. Requirements for individual lot treatments will be addressed through annual FS inspections.</p> <p>See changes to FSH Supplement. (page 28)</p>

<p>2. Hazard tree removal and firewood utilization</p> <p>Fuel reduction</p>	<p>“I am happy to see proposals that make even greater strides in this positive direction of fire prevention (including fires that may start within a permitted lot and spread out to the surrounding forest). The draft wording that calls for the relatively inexpensive purchase of a firewood permit to cover the treatment technicalities is a good incentive. The more that can be done to promote Firewise treatments to all cabin owners, the safer we all will be.”</p> <p>Holders should be authorized to remove any hazardous tree, alive or dead, in order to reduce the hazards. If the trees are used for firewood on the lot the holders should not be required to purchase a firewood permit.</p> <p>Please clarify ‘one tree length’ for removing dead and dangerous hazard trees.</p>	<p>In addition to the response above in issue #1, recreation residence permit holders who cut down a dead tree that is imminently threatening to fall on and strike their authorized structure(s) or who implement a fuel reduction plan on their lot that is approved by their authorized officer, may use up to 2 cords of that wood on their permitted lots without needing to purchase a firewood permit. To further reduce risk and available fuel on the lots, all holders will be limited to storing a maximum of 2 cords of firewood on their lots at any time without prior authorization. That wood, along with any propane or other fuel tanks, must be located well away from their cabin. Hazard trees that are cut and taken off Forest, requires purchase of a current firewood permit.</p> <p>See changes to the FSH Supplement. (pages 25, 28)</p>
<p>3. Notification of fire or other types of evacuations</p>	<p>FS should ensure that the administrator is involved in notifications.</p>	<p>Each emergency situation will be different and the permit administrator may not be immediately available.</p> <p>No change to FSH Supplement.</p>

4. Burn permits	Campfires should not be included with pile burning and should not require a burn permit. A burn permit for pile burning should only be required when they are required by the county	<p>“Pile burning” does not refer to normal campfires.</p> <p>Any time piles are burned between dates of March 1-Nov 30 in Gallatin County, Park County and Sweetgrass County, a permit is required,</p> <p>No changes to FSH Supplement or O&M Plan.</p>
5. Herbicide use-mapping	FS should provide maps of lots/tracts for the holders to use for mapping any herbicide use.	<p>The permit holder already has a copy of a map of their lot in their FS permit, which can be used for this purpose.</p> <p>No changes to FSH Supplement.</p>
6. Minor pesticide / insecticide use	Holders should not need to report on use of minor pesticide use (i.e. spraying wasps or dusting an ant hill).	See changes in FSH Supplement. (page 25)
7. FS responsiveness for incidental renting	How long should FS take to reply to a holder request to incidentally rent?	<p>In order for the FS to respond in writing as required by the terms of the permit (clause VII. A. of the Permit), in a timely fashion, it is recommended that the holder provide to the permit administrator the request in writing more than 2 full weeks in advance to allow for response and mail delivery time.</p> <p>No changes to FSH Supplement.</p>

8. FS responsiveness to proposals for changes to improvements	What is the time frame for FS to respond to owners regarding maintenance to authorized facilities, such as buildings, roads or bridges?	<p>The FS response time to all maintenance or construction requests will depend upon the complexity of the request and other circumstances. For proposals that are subject to Cost Recovery, specific timelines apply for responsiveness.</p> <p>Roads and bridges that serve a tract will be authorized by a separate association permit. That association permit will specify all maintenance guidelines and timelines.</p> <p>Roads and bridges that only serve individual lots will be authorized on the recreational residence permit. For a recreation residence permit holder to do heavy maintenance or alterations on their authorized access road, bridge or building, the request must be submitted as soon as possible.</p> <p>See changes to FSH Supplement. (p 11)</p>
9. FS responsiveness to proposals to plow snow	What is the time frame for FS to respond back to Holders regarding snow plowing?	<p>The FS recognizes that there will be specific needs for emergency snowplowing and unplanned weather changes. See changes in FSH Supplement (page 28) regarding requests for routine snowplowing and snowplowing for emergency situations.</p>

<p>10. Process for selling improvements</p>	<p>The FS presale inspection should be timely...10 days....so as to not delay or prevent a sale</p> <p>Instead of requiring a bill of sale, FS should accept a buy-sell agreement</p>	<p>The FS cannot guarantee a specific response time. No change to FSH Supplement.</p> <p>A buy-sell agreement could result in the FS issuing a permit to a party who ends up not being the owner. No change to FSH Supplement.</p>
<p>11. Improvements and uses authorized prior to new 20-year permits.</p> <p>Requirements if/ when ownership changes</p>	<p>Clarification is needed regarding the requirement to correct pre-existing conditions. Pre-existing conditions, such as cabins larger than 1500 square feet should be “grandfathered” and authorized in the new 20 year permits.</p> <p>“The [draft FSH Supplement] does not indicate how long Permit Holders may have to bring their facilities into compliance with the new standards being adopted. This should be stipulated.”</p> <p>Do not apply any new terms during the course of the 20-year permit, (for example to require a holder to bury power lines) even if permit changes hands (except to correct a resource-related issue)</p> <p>Undergrounding power lines is often not possible and /or outrageously expensive. Permit holders should be given plenty of</p>	<p>As per FS directives, a term permit may be amended only by mutual agreement between the FS and the holder or in accordance with the terms of the permit. However, a permit requires compliance with all laws and regulations, so a term permit may be amended at any time to bring it into conformance with new or changed laws or regulations or to correct resource issues. As the commenter correctly noted, holders may be required at any time to correct issues related to resources, health or safety or other issues of non-compliance with the terms of the permit.</p> <p>Existing improvements, buildings or facilities that are currently authorized (pre-December 31, 2008) by the Special Use Permit but that do not conform to the specifications described in Gallatin NF FSH Supplement or FS Service-wide Directives, will be required to be brought into conformance at such time that the improvement(s) is / are <u>destroyed, substantially damaged (50% or greater), becomes significantly deteriorated and is no</u></p>

	<p>advance notice if this condition will be required and should have until the end of the 20-year permit period to comply with the new condition. To require this as a condition of issuing a new permit at the time of sale of improvements is an unfair burden.</p>	<p><u>longer functional, or the holder proposes replacements, major structural changes, reconstruction or significant remodels.</u> These currently authorized , but non-conforming structures or improvements, except for non-native landscaping, may be authorized to a new permit holder when ownership changes. <u>Historic restoration</u> for a structure eligible for the National Register of Historic Places would <u>not</u> be considered a significant remodel.</p> <p>Non-native landscaping should be conditionally authorized by the new 20-year permit, with conditions implemented when the improvements change ownership outside the family. Placing power lines underground may be impossible in places, will remain a goal and not a requirement and will not be placed as a condition upon sale of improvements.</p> <p>See more details and changes to the FSH Supplement. (page 14-15)</p>
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12. Replacement of existing sleeping cabins	It is requested that the authorized officer be able to make decisions individually in response to requests from holders to replace existing sleeping cabins.	Service-wide directive FSM 2720.23a.6 states "Allow no more than one dwelling per lot to be built. In those cases where more than one dwelling (residence / sleeping cabin) currently occupies a single lot, allow the use to continue in accordance with the authorization. However, correct such deficiencies, if built without prior approval, upon transfer of ownership outside of the family (husband, wife, and dependent children). The GNF draft FSH Supplement would follow this direction by <u>allowing</u> an <u>authorized</u> sleeping cabin to remain even upon transfer of ownership, but does not have the authority to contradict a service-wide directive. By allowing a new cabin to be built after an existing one is removed would be allowing more than one dwelling per lot and thus is not allowed. No changes to FSH Supplement.
13. Hot tubs	Be more specific regarding hot tub installation.	See clarification and changes made in FSH Supplement. (p 19)
14. Signs	"The 911 center requires signs be placed at the end of a driveway and on the cabin. Those signs are supposed to be reflective and visible from the road. Holders should be able to install small signs next to a cabin or entry to a driveway, and put their name on the mailbox."	Signs that may be approved by the authorized officer include signs required by emergency services, for sale signs, address signs, name identification signs or other appropriate signs. No change to FSH Supplement.

15. Signs	The Forest Service should provide signage that “instruct(s) the public that they are on a paid permit area.”	Guidelines for appropriate signage notifying the public of the permitted facilities at individual recreation residences and/or tracts have been included in the FSH Supplement. (p 22)
16. Removing debris from stream needs approval	Can Holders remove debris when it is blocking culverts and causing water to flow over road?	See change in FSH Supplement regarding hand removing debris threatening a bridge, road, or structures. (p 12)
17. Garbage receptacles	Can a group of holders buy and place a dumpster?	The FS encourages pack-in/ pack-out and holders removing their own trash on a regular basis to off-forest garbage facilities. Any group-owned dumpster would need prior approval. No change to FSH Supplement.
18. Bat houses or other structures	Are bat houses allowed?	Improvements that are not specifically addressed in the FSH Supplement may be approved by the authorized officer, provided they are appropriate to the forest setting, do not contribute to urbanization and meet FP standards, guidelines and all applicable laws. No change to FSH Supplement.

<p>19. Exclusive use</p>	<p>P.7, C.1 change sentence to read “The public does not have the right to enter in or upon, or use any improvements privately owned or constructed by the holder.”</p> <p>Roads thru permit holders property should be used by permit holders and their guest only, especially if the road is a dead end and the only thing down that road is cabins -no trails, no campground etc.</p>	<p>The public is allowed free access for all lawful and proper purposes to National Forest System lands by walking across a permitted lot, including roads and driveways. However, the public does <u>not</u> have the right to enter in or upon, or use structures that are privately owned or constructed by the holder.</p> <p>See additions and changes in FSH Supplement. (Page 8)</p> <p>The recreation residence permit does not provide the holder with exclusive use of the National Forest land covered by the permit. However, roads or bridges that only serve tracts should be authorized to the tract association under a separate permit that would include direction and authority for road and bridge maintenance. The association may request authority to sign or gate the road, where appropriate. No change to FSH Supplement.</p>
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20. Incidental rental	<p>Advertising should be allowed.</p> <p>Change [proposed wording] to “conducting any advertised commercial sales or business, such as ...”</p>	<p>Advertising is commonly associated with commercial use, which is specifically prohibited by this type of FS special use permit and national FS directives, which state that the incidental renting must not “change the character of the area or use to a commercial nature”.</p> <p>No change to FSH Supplement</p>
21. Commercial use	To avoid commercial use, limit income [from incidental rental] to the amount of the user fee.	<p>The GNF defines ‘commercial use’ as being consistent with IRS code requirements. See change to the FSH Supplement (page 8)</p>
22. Septic drain fields	State that these (septic drain fields) may extend beyond permitted lot if necessary and if approved by the authorized officer.	See change in FSH Supplement. (p 21)
23. Landscaping / plants	Small containers (pots) of non-native annuals should be allowed within 50 feet (or so) of a cabin provided they are not of a type that can spread seeds outside of the container.	<p>Small containers of non-native annuals provided they are not noxious or prolific seeders may be allowed next to the main residence.</p> <p>See changes in FSH Supplement. (page 21-2)</p>

24. Landscaping / transplanting/ erosion control	<p>Is transplanting from the forest to a recreation residence lot allowed for landscaping, to mitigate soil erosion or naturalize the bank above a shoreline?</p> <p>Minor landscaping of native vegetation should not require authorization.</p>	<p>Approval from authorized officer is needed for transplanting or any new landscaping “New landscaping” refers to landscape modifications or planting of new plants which does not include maintenance of existing plants. No transplant permit would be needed, since plants would be re-planted on Forest. See changes and clarifications in FSH Supplement. (p 21)</p>
25. Non compliance revocation/ resolution	<p>The circumstances for which a permit might be revoked “may be subjective according to the interpretation of the enforcing Authorized Officer”. The appeal process should be stated.</p>	<p>This FSH Supplement is aimed at providing some framework for decisions made by the authorized officer, however latitude in permit administration allows the authorized officer to work more closely with permit holders to recognize differences in specific situations. Determination of revocation is a serious situation. Each situation considers how severe the infraction or non-compliance is as well as the urgency of the remedy and extenuating circumstances that may be affecting the holder.</p> <p>The appeal process is described in the body of the permit Section VIII, Part D “Appeals and Remedies”</p> <p>No changes to the FSH Supplement</p>

26. Conduct of holders and their guests within the area authorized by the permit	<p>Proper stewardship of the permit privilege should include courtesy and consideration to the other permittees and their guests. I recommend that language addressing this issue be included in the handbook supplement. Permittees should be responsible for behavior on their docks, as well as at their residences.</p> <p>Loud noise after 10:00 pm is a problem. Homeowner association is not effective dealing with the noise.</p>	<p>Social conflicts, such as loud noise at night, are not a permit condition but rather a law enforcement issue.</p> <p>No changes to FSH Supplement.</p>
27. Community-owned improvements, such as water systems	The [draft FSH Supplement] does not address installations for community-owned water systems and how improvements and upgrades can be made.	<p>Service-wide directives FSM 2720.23c.3. address that and state "Authorize community or association-owned improvements, such as water systems, by a separate permit (Form FS-2700-4).</p> <p>No changes to FSH Supplement.</p>
28. Major renovation of old residence cabins	Does the FS encourage renovation of recreation residence cabins?	<p>The FS will neither encourage nor discourage holders to undertake renovation of their cabin, except in cases where the improvements are no longer in compliance with the terms of the permit. Any proposals for cabin renovation would be considered to address compliance with directives and resource standards, including requirements of the National Historic Preservation Act.</p> <p>No change to the FSH Supplement.</p>

<p>29. Hebgen: Boat storage over the winter</p>	<p>Boat trailer storage during the summer is a problem. Many residences do not have garages for storing the boat inside, there is limited storage area near the marinas and a lack of available private storage in West Yellowstone area.</p> <p>Boats should be allowed to be stored neatly outside or on porches under conditions specified by the Forest Service. Also I believe that off lot parking areas for boat trailers should be allowed given the limited parking on some lots and the historic use of these areas.</p> <p>Permit holders should be able to store non-motorized boats, like canoes or kayaks, on their lots or nearby (like on the beach) when the cabin is occupied. Many of us do not have garages or docks or boathouses. Historically, we have been able to keep a canoe on the beach.</p>	<p>See changes in FSH Supplement that no longer include storage of non-trailerred boats in storage prohibition. (p 9)</p>
<p>30. Hebgen: Maintenance to docks</p>	<p>Do repairs to docks need approval?</p>	<p>No approval is needed for routine repairs with similar materials and with no change to the design. Approval is needed for significant repair, heavy maintenance or changes. No changes to the FSH Supplement.</p>

<p>31. Hebgen Lake: jurisdictions and dock designs</p>	<p>“Shoreline and Boat Docks -this should be the Jurisdiction of the MTFWP and should not be a part of this document or the operating plan. Two Mooring Buoys per cabin should be enforced by the MTFWP however they do not have the time nor resources to do this unfortunately. Unsafe docks should be replaced by the permit holder and the MTFWP should contact those [who] have aging or unsafe docks.”</p> <p>“We’ve been told that the PPL Shoreline Management Plan is strictly voluntary. The only issue that should be in the [FS] plan is the permitting of docks or boat launches or other shoreline improvement, which is done by the FS. Any reference to mooring buoys should be stricken because the FS has no jurisdiction.”</p> <p>“Figure 1 should allow for the trident style pier, used by the majority of residences. Also, a 30 foot projection is not sufficient given the drawdown measured between May 15 and Oct 15. Docks should be able to be functional during the entire recreation period. “</p>	<p>Hebgen Lake is a reservoir that was formed by damming the Madison River and inundating national forest and private lands. Forest Service has jurisdiction over those national forest lands, inundated or not. Montana Department of Fish, Wildlife and Parks (MFWP) has jurisdiction over water surface activities, such as boater safety and no-wake zones.</p> <p>Unsafe docks, as with all facilities permitted by the Forest Service, should be repaired if they are creating a health, safety or resource related issue.</p> <p>Docks and other structures authorized on national forest land, will be managed considering the recommendations listed in <i>Hebgen Shoreline Management Plan by PPL, (Revised July 2006)</i></p> <p>See changes to the FSH Supplement. (page 23)</p>
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32. Appropriate materials for structures	<p>“We fail to understand why the use of T111 is not appropriate?”</p> <p>“Engineered decking products, such as Trex and Evergrain, may fade over time. Holders should not be penalized for that color change.”</p>	See changes to the FSH Supplement (p. 15) references to T-111 and metal siding were removed. Any changes to the exterior of buildings must receive prior approval.
33. Approvals needed	“I suggest that criteria be provided to identify items that do not require Forest Service approval rather than trying to provide an all inclusive list. “	In general, the actions listed as not requiring approval are <u>routine maintenance</u> , along with some other specific actions. However, “routine maintenance” can be interpreted very differently, thus the list of items. No changes to FSH Supplement.
34. Dispersed recreation use to the west of Romsett	“There is unregulated dispersed recreation use to the west of Romsett tract, that involves problems with inconsiderate ATV use, food improperly stored, human waste and unmanaged campfires.”	This area is outside the recreation residence tract and is being addressed through the Forest-wide Travel Management Planning dispersed campsite management and is a law enforcement issue.
35. Hebgen Lake Day Use area	“The [draft FSH] plan regarding temporary use of vehicles in Day Use Only areas is confusing. The plan says “In the “Day Use Only “areas, hard-sided campers and RVs may be used”. If it is day use, why are campers allowed? Day Use Areas are not part of recreation residence lots.”	<p>The “Day Use Only” areas were created as part of the ESA de-listing process to recognize high concentrations of grizzly bear use. Those NF “Day Use Only” areas overlap NF lands already authorized for recreation residence use. To reduce bear-human encounters in those areas, temporary expansion of capacity for overnight use within the recreation residence lots is limited to hard-sided campers and RVs.</p> <p>No changes for FSH Supplement.</p>

36. General	<p>“You have done an excellent job in spelling out all of the ins and outs of what is and isn't permitted for those of us with cabins in the Gallatin National Forest. Many thanks. It will make life much easier.”</p>	No change to the FSH Supplement
37. Forest Service-permit holder partnerships	<p>“Can the FS and the cabin owners work together better to steward these magnificent resources?”</p> <p>“Work with us and let us work with you. I think you will find this approach to be our best policy yet.”</p>	<p>The FS welcomes suggestions and opportunities for ways that the cabin owners and the FS could work together to better steward the national forest lands. Recreation residence permit holders have unique relationships to national forests that have often spanned generations.</p> <p>No change to the FSH Supplement.</p>